

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BIRMINGHAM-JEFFERSON COUNTY)	
TRANSIT AUTHORITY AND)	
AMALGAMATED TRANSIT UNION)	
LOCAL 725 EMPLOYEES' CONTRI-)	NO. 3:09-0304
BUTORY RETIREMENT PLAN, et al.)	JUDGE CAMPBELL
)	
v.)	
)	
DAVID J. BOATRIGHT)	

ORDER

Pending before the Court are Defendant's Motion for Disqualification of Chief Judge Todd Campbell (Docket No. 267) and Defendant's Motion for New Trial (Docket No. 274). Plaintiffs have filed an Opposition to each Motion (Docket Nos. 269 and 278), and no Replies have been timely filed.

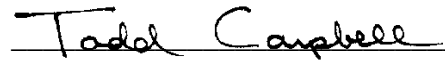
Defendant previously filed a Motion for Mistrial or Alternatively New Trial for Failure of the Court to Recuse (Docket No. 264), which the Court denied (Docket No. 272). Nothing in the two pending Motions changes that result.

A Motion under Rule 59 is not intended to provide the parties an opportunity to relitigate previously-decided matters or present the case under new theories. *In re Spivey*, 2010 WL 5154397 at * 3 (E.D. Tenn. Dec. 14, 2010). In non-jury cases such as this one, new trials are typically ordered under Rule 59 only when there has been a manifest error of law or a mistake of fact. *Id.*

Defendant's arguments have been previously addressed and ruled upon by the Court. The Court believes there to be no manifest error of law or mistake of fact. For the same reasons,

Defendant's Motion for Disqualification of Chief Judge Todd Campbell (Docket No. 267) and Defendant's Motion for New Trial (Docket No. 274) are DENIED.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE